

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re: RICK SIMMONS

Bankruptcy Number: 14-31041

NOTICE OF CHAPTER 13 TRUSTEE'S MOTION TO DISMISS AND NOTICE OF DEADLINE TO
OBJECT AND TO SET OBJECTION FOR A HEARING

Objection Deadline: **July 31, 2015**

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed with the United States Bankruptcy Court for the District of Utah a motion to dismiss your bankruptcy case for failure to comply with the terms of the court's confirmation order. The specifics are set forth in the motion included herewith.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to dismiss your Chapter 13 case, then you **must** take the following three (3) actions:

1. On or before **July 31, 2015** (the "Objection Deadline") you or your lawyer must file with the Bankruptcy Court a written objection to the Trustee's motion explaining why your bankruptcy case should not be dismissed. If you do not have access to the court's electronic filing system ("ECF"), you can hand-deliver or mail your objection to the following address: (if you mail your objection, it must be received by the court on or before the Objection Deadline):

United States Bankruptcy Court
350 South Main Street, Room 301
Salt Lake City, UT 84101

2. On or before the Objection Deadline, and after filing your objection, you must contact the Bankruptcy Court to reserve a hearing date and time when your objection will be considered by the Bankruptcy Judge.

3. On or before the Objection Deadline, and after reserving your court hearing date, you must also file a notice of hearing with the Bankruptcy Court, which notice will be served electronically on the Trustee (you do not need to mail a copy to the Trustee).

If you or your attorney do not complete **all three of these actions**, the Bankruptcy Court may decide that you do not oppose the Trustee's motion to dismiss and may enter an order granting that relief without further notice or hearing.

Kevin R. Anderson (4786)
Tami Gadd-Willardson (12517)
Ryan C. Cadwallader (13661)
Sarah L. Olson (14006)
OFFICE OF THE CHAPTER 13 TRUSTEE
405 South Main Street, Suite 600
Salt Lake City, Utah 84111
Telephone: (801) 596-2884
Facsimile: (801) 596-2898
Email: kratrusteemail@ch13kra.com

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

IN RE: RICK SIMMONS Debtor	CASE NO: 14-31041 Chapter 13 Hon. WILLIAM T. THURMAN
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**TRUSTEE'S MOTION TO DISMISS FOR NON-COMPLIANCE
WITH CONFIRMATION ORDER**

KEVIN R. ANDERSON, Standing Chapter 13 Trustee, hereby moves this Court for an entry of an Order dismissing the above-entitled case for failure to comply with the Order Confirming Debtor's Chapter 13 Plan. In support thereof, the Trustee represents as follows:

1. Pursuant to the terms of the Order Confirming Debtor's Chapter 13 Plan, the Debtor is required to make payments of \$765.00 on or before the 25th day of each month. The above named Debtor has failed to comply with this term of the confirmed plan resulting in a delinquency in monthly payments to the Trustee in the total sum of \$2,295.00 (see Exhibit "A").
2. The Trustee may withdraw this Motion to Dismiss if the entire delinquency in the amount stated above is received by the Trustee and posted to the Debtors' bankruptcy case by **July 31, 2015**. If the payment is tendered after the next monthly payment comes due on the 25th, the Trustee will not withdraw the Motion to Dismiss unless an additional \$765.00 is included in the payment to cure the delinquency stated in paragraph (1).
3. On or before **July 31, 2015**, you must complete all three (3) of the following actions in response to this motion or your case may be administratively dismissed without further notice or hearing: (a) file with the Bankruptcy Court a written objection to this motion; (b) reserve a hearing date and time with the Bankruptcy Court when your

objection will be heard; and (c) file with the Bankruptcy Court a notice of hearing on your objection.

4. Sufficient notice of the resulting Order of Dismissal will be provided to all parties in interest pursuant to Fed.R.Bankr.P. 2002(f).

THEREFORE, unless the Debtor cures this default in the plan, it is in the best interest of creditors and the estate that the Court enter an Order of Dismissal dismissing this case under 11 U.S.C. 1307.

Dated: 7/7/2015

/s/ KRA

KEVIN R. ANDERSON
Chapter 13 Trustee

CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copy of the foregoing Trustee's Motion to Dismiss was served upon all persons entitled to receive notice in this case via ECF notification or by U.S. Mail to the following parties on July 07, 2015:

RICK SIMMONS, 1381 QUAIL COVEY CIRCLE, RIVERTON, UT 84065

STEPHEN M. ENDERTON, ECF Notification

LUNDBERG & ASSOCIATES, ECF NOTIFICATION

/s/

Office of Chapter 13 Trustee

EXHIBIT "A"

Trustee's Accounting of Receipts as of July 07, 2015 for Case No. 14-31041

<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>	<u>Date</u>	<u>Payment Type</u>	<u>Amount</u>
11/17/14	DEBTOR PAYM	\$765.00			
1/8/15	DEBTOR PAYM	\$765.00			
2/3/15	DEBTOR PAYM	\$765.00			
3/2/15	DEBTOR PAYM	\$765.00			
4/1/15	DEBTOR PAYM	\$765.00			
7/1/15	DEBTOR PAYM	\$2,000.15			
7/7/15	BANK REJECTE	(\$2,000.15)			